

PETER SZANTO 503-610-0865
P.O. Box 4614
Portland OR 97208

2017 JUN 21 PM 1:19

United States Bankruptcy Court

in and for the District of OREGON

1001 SW 5th Av., Portland OR 97204

In Re Peter Szanto, Debtor

Adversarial # 16-ap-3114

core case:16-bk-33185-pcm11

=====

Peter Szanto, Plaintiff

Plaintiff's Notice of Motion and

vs.

Motion for Protection

Evye Szanto, et al,

Defendants

Hon. Judge McKittrick - Courtroom

To the Court and the defendants, **please take notice** plaintiff,
herewith makes MOTION for Protection from defendants deposition
scheduled in defiance of this Court's ORDER [EXHIBIT A].

1. STATEMENT REGARDING PRE-FILING CONFERENCE

The Court, in open Court on 4-6-17, waived the requirement - and
the parties are not required to confer prior to the filing of any motion.

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2. FACTS

This Court issued an ORDER [EXHIBIT A, P. 3, # F] that plaintiff's deposition would occur on 6-21-17 between the hours of 9AM and 5PM.

In contemptuous defiance of this Court's ORDER, defendants have scheduled plaintiff's deposition to continue from day to day until completed [EXHIBIT B, p. 2]

[EXHIBIT B] though dated earlier, was received by plaintiff only on the morning of 6-21-17.

Plaintiff seeks protection from the defendants' direct defiance of this Court's ORDER. Plaintiff also asks sanctions for the abuse of his time in the making of this motion, which would have been wholly unnecessary had defendants complied with this Court's ORDER.

3. MEMORANDUM

FRCP 37 allows this Court to protect plaintiff from such clear discovery abuse.

Plaintiff asks an ORDER of protection such that the deposition be limited to the 9AM-5PM time indicated in the ORDER.

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3 Plaintiff asks sanctions to the extent of deduction 2 hours from
4 the deposition time granted to defendants, such that defendants deposition
5 be conducted from 9AM – 3PM only.
6

7 Respectfully,
8

9 DATED 6/21, 2017 /s/  Peter Szanto
10

11 **Proof of Service**
12

13 My name is Susan Bier, I am over 21 years of age and not a party
14 to the within action. My business address is PO Box 4614, Portland OR
15 97208. On the date indicated below, I personally served the within:
16

17 **Motion for Protection**
18

19 by e-mail to Mr. Olsen and Mr. Henderson at:
20

21 nhenderson@portlaw.com
22

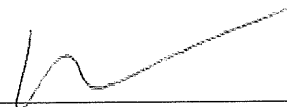
23 I declare under penalty of perjury under the laws of the United States
24 that the foregoing is true and correct. Signed at Portland OR.
25

26 Dated 6-21-2017 /s/ 
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Below is an Order of the Court.


PETER C. McKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re Peter Szanto

Bankruptcy Case
No. 16-33185-pcm11

Debtor.

Peter Szanto

Adv. Proc. No. 16-ap-3114

Plaintiff,

v.

ORDER SETTING DEPOSITION SCHEDULE,
AMENDING SCHEDULING ORDER, DOC.
21, SETTING SUMMARY JUDGMENT
HEARING AND SETTING FINAL PRETRIAL
CONFERENCE

EVYE SZANTO, VICTOR SZANTO, NICOLE
SZANTO, KIMBERLEY SZANTO, MARIETTE
SZANTO, ANTHONY SZANTO, AUSTIN
BELL, JOHN BARLOW, and BARBARA
SZANTO ALEXANDER,

Defendants.

AI

During the April 6, 2017 status hearing in the above-captioned case, the parties indicated to the court that they were unable to agree on the appropriate time and place for depositions in this case. The court ordered that the parties submit their availability to the court

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1 and it would determine the deposition schedule and location. For the
2 reasons stated herein, pursuant to F. R. Bankr. P. 7030, and in the
3 interest of justice and good cause appearing therefor,

4 IT IS HEREBY ORDERED:

5 1. Depositions of the named parties in this case will take place as
6 follows:

7 A. The depositions of Austin Bell and Kim Szanto Bell will take
8 place on June 6, 2017, beginning at 9 a.m. and ending no later
9 than 5 p.m. Because plaintiff indicated that he would require
10 between one and three hours per deposition for these parties,
11 each deposition will be limited to no more than three hours.

12 B. The depositions of Evye Szanto and Mariette Szanto will take
13 place on June 7, 2017, beginning at 9 a.m. and ending no later
14 than 5 p.m. Because plaintiff indicated that he would require
15 between one and three hours per deposition for these parties,
16 each deposition will be limited to no more than three hours.

17 C. The deposition of Victor Szanto will take place on June 8, 2017,
18 beginning at 9 a.m. and ending no later than 5 p.m.

19 D. The deposition of Nicole Szanto will take place on June 12,
20 2017, beginning at 9 a.m. and ending no later than 5 p.m. **A2**
21 Alternatively, at plaintiff's option, he may take this
22 deposition on June 7, 2017 and extend the period for taking
23 depositions to 6 p.m. on that date. Plaintiff will notify
24 defendants' counsel no later than May 19, 2017 whether this
25 deposition will occur on June 7, 2017 or June 12, 2017. Because
26

1 plaintiff indicated that he would require between one and three
2 hours per deposition for this party, the deposition will be
3 limited to no more than three hours.

4 E. The deposition of Anthony Szanto will take place on June 13,
5 2017, beginning at 9 a.m. and ending no later than 5 p.m.

6 F. The deposition of Peter Szanto will take place on June 21, 2017,
7 beginning at 9 a.m. and ending no later than 5 p.m.

8 The deposition of Barbara Szanto Alexander will be scheduled by future
9 order entered by this court.

10 2. Nothing in this order abrogates or augments the Federal Rules of
11 Civil Procedure governing discovery and made applicable to adversary
12 proceedings through the Federal Rules of Bankruptcy Procedure.

13 3. Because Plaintiff indicated to the court that he "received a death
14 threat" from one of the defendants and because plaintiff states that a
15 restraining order restraining contact between plaintiff and two of the
16 defendants has been entered by the Justice Court of Tahoe Township in
17 the State of Nevada makes his presence in Nevada impossible, all
18 depositions of the defendants will be taken by video conference.
19 Plaintiff should appear at the office of a court reporter located in
20 Portland, Oregon, the name and address of which will be provided by
21 defendants to plaintiff no later than May 30, 2017, or at another
22 location mutually agreed upon by the parties. The cost of video
23 conferencing is to be borne by defendants. Alternatively, at defendants'
24 option, the depositions may be taken in person at a location outside
25 Nevada to be mutually agreed upon by the parties. Defendants will notify
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SETTING SUMMARY JUDGMENT HEARING AND SETTING FINAL PRETRIAL CONFERENCE

1 plaintiff no later than May 19, 2017 if they wish to exercise this
2 option.

3 4. The deposition of plaintiff will be taken at the United States
4 Bankruptcy Court, 1001 SW 5th Avenue, 7th Floor, Portland, Oregon 97204.

5 5. As required under F. R. Bankr. P. 7030, making applicable F. R.
6 Civ. P. 30, the noticing party bears the costs of recording.

7 6. The parties must complete discovery no later than July 31, 2017.

8 7. Any motions for summary judgment must be filed no later than August
9 15, 2017. Any responses must be filed no later than August 29, 2017.
10 Any replies must be filed no later than September 12, 2017.

11 Unless otherwise ordered by the court, any opposition to the
12 motion, and any reply, must be filed and must comply with Local
13 Bankruptcy Rules 7056-1 and 7007-1. There will be no further briefing
14 beyond that specified in the rules, or by court order, except upon
15 written motion for leave of the court stating the reasons for the
16 motion, and an order thereon. **A4**

17 Any objections to the admissibility of the contents of supporting
18 documents submitted with the original motion or the opposition brief
19 shall be raised in the opposition and reply briefs, respectively.
20 Objections to the admissibility of the contents of supporting documents
21 submitted with the reply brief shall be made within seven (7) days after
22 the filing of the reply brief. See Bankruptcy Rule 7056-1; Fed. R. Civ.
23 P. 56 (c).

24 The parties should not assume that the court will search the record
25 to determine whether there are any issues of fact. If the party
26

1 opposing summary judgment asserts that there are questions of fact, it
2 must refer the court to specific portions of the record that support its
3 assertion.

4 8. A hearing on any motions for summary judgment filed will be held on
5 September 26, 2017 at 9:30 a.m. at the United States Bankruptcy Court,
6 Courtroom #1, 1001 SW 5th Avenue, 7th Floor, Portland, Oregon 97204.

7 9. Except as amended herein, the Scheduling Order, Doc. 21, entered in
8 this case remains in full force and effect.

9 10. A final pretrial hearing will be held on October 24, 2017 at
10 9:30 a.m. at the United States Bankruptcy Court, Courtroom #1, 1001 SW
11 5th Avenue, 7th Floor, Portland, Oregon 97204.

12 11. No requests for extension or setover will be granted absent
13 extreme circumstances. Any request for setover or extension must be
14 made in writing, accompanied by a declaration setting out the
15 circumstances compelling an extension or setover.

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Motschenbacher & Blattner, LLP

117 SW Taylor St., Suite 300

Portland, OR 97204

Telephone: (503) 417-0508

Facsimile: (503) 417-0528

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm11

Adv. Proc. No. 16-03114-PCM

DEFENDANTS' NOTICE OF
DEPOSITION OF PLAINTIFF PETER
SZANTO

PETER SZANTO,

Plaintiffs,

v.

EVYE SZANTO, VICTOR SZANTO,
NICOLE SZANTO, KIMBERLEY SZANTO,
MARIETTE SZANTO, ANTHONY
SZANTO, AUSTIN BELL, JOHN BARLOW,
and BARBARA SZANTO ALEXANDER,

Defendants.

To: Plaintiff Peter Szanto
POB 4614
Portland, OR 97208
E-mail: szanto.pete@gmail.com

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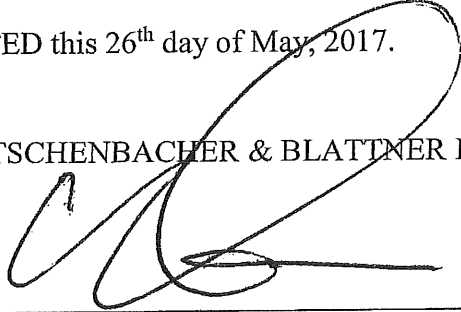
PLEASE TAKE NOTICE that pursuant to Federal Rule of Bankruptcy Procedure 7030 and Federal Rule of Civil Procedure 30, Defendants Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, John Barlow, and Barbara Szanto Alexander (collectively referred to as "Defendants"), by and through their attorney, Nicholas J. Henderson, will take the deposition upon oral examination of Plaintiff Peter Szanto, at the U.S. Bankruptcy Court, 1001 SW Fifth Avenue, 7th Floor, Portland, OR 97204, on Wednesday, June 21, 2017, commencing at 9:00 a.m., and continuing from day to day until completed. ←

Defendants intend to cause the proceedings to be recorded stenographically and by videographer.

Defendants will utilize the court reporting services of Beovich, Walter & Friend for this deposition. Their contact information is 1001 SW Fifth Avenue #1200, Portland, OR 97204, (503) 228-7201.

DATED this 26th day of May, 2017.

MOTSCHENBACHER & BLATTNER LLP



Nicholas J. Henderson, OSB #074027
Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2017, I served the foregoing DEFENDANTS' NOTICE OF DEPOSITION OF PLAINTIFF PETER SZANTO on the following by both first class mail, postage prepaid, and by e-mail with the consent of the party:

Peter Szanto
POB 4614
Portland, OR 97208
E-mail: szanto.pete@gmail.com

MOTSCHENBACHER & BLATTNER, LLP



Christopher Sturgeon, Legal Assistant
Motschenbacher & Blattner LLP
Attorneys for Defendants

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